

1 District Judge Ricardo S. Martinez
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 DENYS BABASIUK,
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11 Plaintiff,

v.

12 UR MENDOZA JADDOU, *et al.*,
13 Defendants.

Case No. 2:24-cv-00843-RSM

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Noted for Consideration:
August 29, 2024

15 Plaintiff and Defendants, pursuant to Federal Rule of Civil Procedure 6 and Local Rules
16 7(d)(1) and 10(g), hereby jointly stipulate and move to hold this case in abeyance through
17 February 6, 2025. Pro Se Plaintiff brought this litigation pursuant to the Mandamus Act and the
18 Administrative Procedure Act seeking, *inter alia*, to compel the U.S. Citizenship and
19 Immigration Services (“USCIS”) to adjudicate his Form I-589, Application for Asylum and for
20 Withholding of Removal. Defendants’ current deadline to respond to the complaint is October
21 18, 2024. The parties are currently working towards a resolution to this litigation. For good
22 cause, the parties request that the Court hold the case in abeyance until February 6, 2025.

23 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
24 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to

STIPULATED MOTION AND ORDER
[Case No. 2:24-cv-00843-RSM] - 1

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1 control the disposition of the causes on its docket with economy of time and effort for itself, for
 2 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R.
 3 Civ. P. 1.

4 With additional time, this case may be resolved without the need of further judicial
 5 intervention. USCIS has scheduled Plaintiff’s asylum interview for October 9, 2024. USCIS
 6 agrees to diligently work towards completing the adjudication within 120 days of the interview,
 7 absent unforeseen or exceptional circumstances that would require additional time for
 8 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
 9 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
 10 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
 11 documents prior to the interview may require the interview to be rescheduled and the
 12 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise
 13 the interview will need to be rescheduled and the adjudication delayed. After the interview,
 14 USCIS will need time to adjudicate Plaintiff’s asylum application. Once the application is
 15 adjudicated, Plaintiff will dismiss the case with each party to bear their own litigation costs.
 16 Accordingly, the parties request this abeyance to allow USCIS to conduct Plaintiff’s asylum
 17 interview and then process his asylum application.

18 As additional time is necessary for this to occur, the parties request that the Court hold
 19 the case in abeyance until February 6, 2025. The parties will submit a joint status report on or
 20 before February 6, 2025.

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1 DATED this 29th day of August, 2024.
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Respectfully submitted,

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5 TESSA M. GORMAN
6 United States Attorney
7
8

9 s/ Michelle R. Lambert
10 MICHELLE R. LAMBERT, NYS #4666657
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18
19 *Attorneys for Defendants*

20
21 *I certify that this memorandum contains 414*
22 *words, in compliance with the Local Civil Rules.*

23
24 s/
13 DENYS BABASIU
14 2418 103rd Drive SE
15 Lake Stevens, Washington 98258
16 Phone: 929-228-8709
Email: denbabasiuk@gmail.com
Pro Se Plaintiff

ORDER

The case is held in abeyance until February 6, 2025. The parties shall submit a joint status report on or before February 6, 2025. It is so **ORDERED**.

DATED this 3rd day of September, 2024.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify that on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail with return receipt, postage prepaid, addressed as follows:

Denys Babasiuk, *Pro Se Plaintiff*
2418 103rd Drive SE
Lake Stevens, WA 98258

DATED this 29th day of August, 2024.

s/ Stephanie Huerta-Ramirez

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